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SERVICE DATE - DECEMBER 22, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 603X)

CSX TRANSPORTATION, INC.–ABANDONMENT  
EXEMPTION–IN WEBSTER COUNTY, WV

Decided: December 18, 2003

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon approximately 10.5 miles of railroad between milepost BUG-0.0 at Cowen and milepost BUG 10.5 at Bolair, in Webster County, WV. Notice of the exemption was served and published in the Federal Register on February 11, 2002 (67 FR 6320-21).<sup>1</sup> On July 30, 2002, a decision and notice of interim trail use or abandonment (NITU) was served reopening the proceeding and authorizing a 180-day period for Webster County Chamber of Commerce (Webster County) to negotiate an interim trail use/rail banking agreement with CSXT, pursuant to section 8(d) of the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). At the request of CSXT, the negotiating period was extended by decisions served January 23, 2003, and July 24, 2003. The latest extension is scheduled to expire on January 24, 2003. The July 24, 2003 decision also extended the deadline for CSXT to file its notice of consummation until March 23, 2004.

On December 10, 2003, CSXT filed a request for an extension of the NITU negotiating period until July 23, 2004. CSXT states that it and the County have been unable to finalize trail negotiations. Additionally, CSXT requests an extension of the consummation notice filing deadline until September 23, 2004.

Because an extension of the consummation notice filing deadline and the NITU negotiating period will promote the establishment of trail use and rail banking consistent with the Trails Act, and the rail carrier has indicated its willingness to continue negotiations by requesting an extension, the requested extensions will be granted. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990). Accordingly, the NITU negotiation period will be extended to July 23, 2004, and the consummation notice filing deadline will be extended to September 23, 2004.

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<sup>1</sup> By decision served on March 12, 2002, the exemption was made subject to environmental and historic preservation conditions. The historic preservation condition was removed by decision served April 9, 2002. The other environmental conditions imposed in the March 12 decision remain in effect.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. CSXT's request for an extension of the negotiating period and its request for an extension of time to exercise abandonment authority are granted.
2. The negotiating period under the NITU is extended to July 23, 2004.
3. The authority to abandon must be exercised on or before September 23, 2004.
4. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary